

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 493 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

D S BATRA

Versus

STATE OF GUJARAT

Appearance:

MR AR GUPTA for Petitioners
PUBLIC PROSECUTOR for Respondent No. 1
MR AD SHAH for Respondent No. 2

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 05/10/98

ORAL JUDGEMENT

1. Heard Ld.Sr.Adv.Mr.A.H.Mehta for petitioners, Mr.A.D.Shah for respondent No.2. and Ld.PP-Mr.P.G.Desai for respondent No.1-State.
2. On appreciation of facts and circumstances in the context of submissions urged at Bar following order is

passed:

(i) The impugned order, dated 17.8.98 passed by the Ld.JMFC in the proceedings of Cri.Case No.6652/97 is hereby quashed and set aside.

(ii) The petitioner Nos 1 to 5 are granted exemption in the proceedings of Cri.Case No.6652/97 on conditions that:

(a) Petitioners shall remain present in the court on the date for recording of the plea and on subsequent date fixed by the court for recording their statement under section 313 of the Code.

(b) That Ld.Adv of the petitioners shall remain present on behalf of petitioners on every date fixed by the court for the further proceedings of the case.

(iii) The petitioners shall be at liberty to contend at the time of trial that the court has no territorial jurisdiction to try the case in the facts and circumstances of the case.

R ule is made absolute accordingly.

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